

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARNOLD KREEK, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY, WELLS
FARGO FUNDS MANAGEMENT, LLC,
WELLS FARGO FUNDS TRUST, WELLS
FARGO DISTRIBUTORS, STEPHENS,
INC., WELLS FARBO BANK, N.A.,

Defendants.

No. C 08-01830 WHA

**ORDER RE MOTION TO
FILE UNDER SEAL**

Defendants have filed a motion to dismiss. Plaintiffs filed a partially redacted brief in opposition to the motion accompanied by an administrative motion pursuant to Civil Local Rule 79-5(d) to file the redacted portion of the brief under seal. The motion was based on defendants' designation of certain information as confidential; plaintiffs took no position as to whether the information was entitled to remain under seal. Under Civil Local Rule 79-5(d), if a party wishes to refer in a brief to information designated confidential by another party pursuant to a protective order:

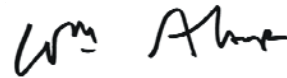
the submitting party must file and serve an Administrative Motion for a sealing order Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If the designating party does not file its responsive declaration as

required by this subsection, the document or proposed filing will be made part of the public record.

The deadline for defendants (as the designating party) to respond has passed and no declaration in support of the sealing motion has been filed. Therefore, under Civil Local Rule 79-5(b), the filing will be made part of the public record. Plaintiffs should publicly file the opposition brief in un-redacted form.

IT IS SO ORDERED.

Dated: March 19, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE